

School of Law and Politics

Research Centre Annual Report 2015-16

Please complete and submit to the School Research Officer at LAWPL-Research@cf.ac.uk by **6 September 2016**

Name of Research Centre:	Centre of Law and Society
Please give a brief description of the Research Centre's strategic aims and research interests for the academic year 2015-16:	<ul style="list-style-type: none">- establishment of the Centre and its official launch- general socio-legal conference- establishment of specific streams- research annual themes- junior fellowships
Please give a brief description of the Research Centre's activities for the academic year 2015-16:	<p>A series of the CLS conferences was organised in June 2016, namely 'Main Currents in the Contemporary Sociology of Law' (9th and 10th June), 'Transnational Constitutional Law and New Patterns of Democracy' (14th June, organised by John Harrington) and 'Gender Rules' (20th June, organised by Lydia Hayes, Dan Newman and Sharon Thompson).</p> <p>All events were extraordinarily successful and brought together a number of people from Cardiff University and elsewhere. Furthermore, all these events have potential to initiate more regular conferences and workshops in their respective fields of research.</p> <p>The Main Currents conference is likely to result in a</p>

	<p>'special special issue' of the JLS to be published in autumn 2017.</p> <p>The Transnational Constitutional Law conference is going to be followed by the annual lecture organised jointly with The Welsh Centre for International Affairs (WCIA). The lecture will be delivered by Professor James Gathii of Loyola University, Chicago, in autumn 2016.</p> <p>The Gender Rules conference was followed by Martha Fineman's lecture on austerity, vulnerability and justice on 14th July 2016</p> <p>Junior Fellowships will start running in the 2016/17 academic year</p>
<p>Please detail how the 2015-16 budget was spent (if applicable):</p>	<p>Attached is the finance report (though additional costs are not included in it); the overall spending of the 2015/16 budget is app. 15K – in line with the Centre's original plan of activities started in the middle of the 2015-16 academic year.</p>
<p>Please give a brief description of the Research Centre's strategic aims and research interests for the academic year 2016-17:</p>	<ul style="list-style-type: none"> - general socio-legal conference focusing on transnational legal regimes - law and global justice stream coordinated with J. Harrington - criminal justice and security stream coordinated by S. Field - socio-legal studies of EU law and politics (coordinated with S. Smismans) - law and gender events - junior fellowships - public lectures (D. Nelken)

	<p>- research methodology conference for PhD students</p>
<p>Please give a brief description of the Research Centre's intended activities for the academic year 2016-17:</p>	<p>LAW AND GLOBAL JUSTICE RESEARCH GROUP (J. Harrington)</p> <p>This outlines the group's main activities for the coming year. Overall costings are indicated. Amounts being applied for from CLS are highlighted.</p> <p>7th September 2016</p> <p>Cardiff Panel on Legal Professionalism and Legal Education at African Studies Association UK Biennial Conference (Dezalay, Gruffydd Jones and Harrington/ Manji).</p> <p>[Cost – self-funded]</p> <p>10th-25th September 2016</p> <p>Visit to Riara University, Katiba Constitution Institute and Amnesty, Kenya and Legal and Human Rights Centre Tanzania to explore cooperation and placements on global justice law clinic.</p> <p>[Cost – funded by ESRC/ Open University Kenya Cultural Rights project]</p> <p>24th-28th October 2016</p> <p>Visit to KU Leuven to present work and explore links between CLS/ Law and Global Justice and Institute for Anthropological Research in Africa and Centre for IT and Intellectual Property Law (Manji/ Harrington).</p> <p>[Cost – funded by Cardiff-Leuven Exchange Scheme]</p>

21st November 2016

5th Annual International Law Lecture Welsh Centre for International Affairs, delivered by Professor James T Gathii (Loyola-Chicago) on Trade and Deindustrialization in Africa. Discussant Dr Celine Tan, Warwick Law School. Current registration 96, venue moved to Marble Hall, Temple of Peace. Followed by dinner.

Law and Global Justice **Reading Group** with Professor Gathii, Post-graduates and Colleagues in School of Law and Politics, based on his theoretical work on Third World Approaches to International Law.

[Cost shared by Welsh Law Schools; CLS from 2015-16 budget and claim from CLS for additional costs of Dr Tan's participation £500]

End November 2016 [still in planning]

Scoping **workshop** on the **Judicialisation of Politics in Sub-Saharan Africa** organized by Dezalay and Peter Brett (History, Queen Mary) with invited speakers.

[Cost – funded by Dezalay and Brett's BA/Leverhulme Small Research Grant]

5th December 2016

Law and Global Justice **Public Lecture** delivered by **Professor Doris Buss** (Carleton) on Human Rights and Extractive Industries in Africa.

Law and Global Justice Reading Group with Professor

	<p>Buss, post-graduates and colleagues in School of Law and Politics, based on her theoretical work on Queering International Law.</p> <p>Professor Buss will be a Centre for Law and Society Visiting Fellow and will also work as an advisor to staff and students on the Global Justice Pro-Bono programme which is working on extractive industries in Tanzania this year.</p> <p>[Cost – CLS: travel costs from 2015-16 budget; accommodation c.£400 to be paid]</p> <p>10th-12th December 2016</p> <p>4th conference of the South Asian Legal and Social Sciences Research Network, Delhi. JH presenting and exploring possible links with CLS/ Law and Global Justice group. Also using trip to meet with Hingorani Foundation for Public Interest Litigation and Colleagues at Jindal Global Law School.</p> <p>[Cost – part JH annual research allowance; part application to School research fund; part-application to CLS for £500]</p> <p>March-April 2017 [still in planning]</p> <p>Workshop on legal education and global justice with specific focus on law clinic. Invitees from SOAS Law Clinic, Warwick Human Rights in Practice programme, KCL Transnational Law Institute, Tilburg Global Law Programme, and individual experts, including Nick Johnson (Oxford, Warwick) – in association with the Legal Education Research Network.</p>
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	<p>[Cost- estimated at £1000 – application to CLS]</p> <p>15th May – 3rd July</p> <p>Professor Grace Musila (English, Stellenbosch) will work with Law and Global Justice as a CLS Visiting Fellow on establishing a network on Law and African Literature and developing Law and World Literature teaching module, as well as a substantive collaborative research project.</p> <p>Law and Global Justice reading group on modernity, law and fiction lead by Professor Musila.</p> <p>[Cost – borne by University as a result of a successful application to its Incoming Visiting Fellowship Scheme]</p> <p>Will also organize a conference on Law and World Literature with keynote paper by Professor Ato Quayson (English, Toronto).</p> <p>[Professor Quayson will cover his own flight – application to CLS to cover travel for speakers in UK/ Europe est. £2000]</p> <p>7th-10th June [under consideration]</p> <p>Law and Global Justice brought together bids to organize two interdisciplinary workshops in the 4th series of the European International Studies Association (EISA) to be held at Cardiff. The outcome of each bid will be known in November. The themes are:</p> <ul style="list-style-type: none"> - Accountability for Development Aid lead by Dr Celine Tan (Centre for Governance of the Global Economy,
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Warwick Law School) and Professor Stephen Brown (Politics, Ottawa);

- Critical Perspectives on Global Health lead by Dr Joao Nunes (International Relations, York) and Dr Simon Rushton (Politics, Sheffield and Chatham House, London).

[Costs will be borne by participants and the EISA – with application to CLS for £2000 (£1000 per workshop) to support attendance by colleagues based in the global south.]

Total sought: £6,400

Security and Justice: the challenge of the transnational (S. Field as coordinator)

One of the aims of the Centre for Law and Society is to promote cross-disciplinary analysis of key issues in the

relationship between law and society. This proposal brings together criminologists, political scientists and lawyers to address just such a key issue: how to address the relationship between security and justice in a world shaped by globalization and Europeanisation. Traditionally criminal justice has been a key prerogative of the sovereign state. Yet the rise of the multinational corporation in globalized markets and of technologies which enable instantaneous global communication and otherwise transcend jurisdictional boundaries have added to the existing challenge of transnational organized crime. Increasingly we need to understand and to respond to problems of security in transnational terms. The drive to understand has contributed to a remarkable rise in the accent on comparative approaches in policing and criminal justice. The drive to respond has led to the development of proactive strategic responses by international institutions such as the UN, the EU and the ECtHR. Brexit shifts the context but does nothing to render less critical the need to address questions of how to reconcile the need for cooperation across jurisdictional boundaries with the diversity of political and criminal justice cultures. The proposal is for a series of four workshops organized by colleagues from Cardiff University who would bring together small groups of leading scholars and practitioners to reflect upon the challenges and on how to take the relevant scholarship forward (planning collective publications and/or external research bids).

The workshops would be constructed around the following four sub-themes with the following lead organizers:

1. Understanding security and justice transnationally: concepts and methods in comparing criminal justice (Stewart Field with David Nelken and Renaud Colson)
2. Constructing security and justice transnationally (Claudia

	<p>Hillebrand and Ricardo Pereira).</p> <p>3. Security, justice and the transnational corporation (Mike Levi and Ricardo Pereira)</p> <p>4. Emergent technologies: the transnational challenge to security and justice (Adam Edwards and Nicola Harris).</p> <p>It should be noted that this bid brings together colleagues from academic Law, CPLS, POLIR as well as SOCSI (criminology) who are involved with the Centre for Crime, Law and Justice. By co-badging the event the Centre of Law and Society can be seen to promote collaborative work across the various departments of LAWPL and the broader University and thus advance key institutional aims of the School of Law and Politics.</p> <p>Summary of overall budget</p> <p>4 workshops x £3k each = £12k</p> <p>Travel and accommodation of participants</p> <p>Food and refreshment during the workshops</p> <p>Workshop 1: Understanding security and justice transnationally: Concepts and methods in comparative criminal justice</p> <p>Theme</p> <p>The workshop would examine some of the key conceptual and methodological difficulties involved in comparing criminal justice systems across jurisdictions. These include:</p> <ul style="list-style-type: none"> • the implications for the construction of research methods and concepts of the different purposes for
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	<p>comparing (describing, classifying, explaining, interpreting and evaluating);</p> <ul style="list-style-type: none"> • the usefulness for comparative criminal justice studies of currently familiar concepts such as legal and political culture and procedural tradition and the different methods – both quantitative and qualitative – that might be used to explore them; • how to conceptualize the interrelations between institutional practices and broader social, cultural and political contexts; • the difficulties of policy transfer and indeed deriving policy lessons in one jurisdiction from experiences in another. • how far comparative research examining differences in criminal justice cultures can inform attempts at transnational harmonisation and cooperation (a question that becomes even more pressing in the light of Brexit). <p>These general questions would be addressed through case-studies drawn from the research experience of the participants. Those participants have conducted a range of particular comparative studies in for example youth justice, urban security, penal policy formation and transnational criminal justice cooperation.</p> <p>Format</p> <p>Workshop held over two days with 12-14 invited participants who would present and discuss papers with a view to developing a special journal issue (or edited collection). The session would also explore the possibility of building a larger externally funded research project. The sessions would be open to staff and PGR students in LAWPL and Cardiff University more generally who would like to attend (space</p>
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	<p>permitting) but each invited participant would be asked to present one paper and act as discussant for another.</p> <p>Date</p> <p>2017. Potentially from Easter onwards depending on availability of invitees. One idea might be to hold the workshop immediately before or after the European Society of Criminology Annual Conference in Cardiff in September 2017.</p> <p>Place/Venue</p> <p>Cardiff.</p> <p>Participants</p> <p>The core group of participants have agreed to participate and be involved in setting the intellectual agenda for the workshop. They are either members of the Cardiff Centre for Crime, Law and Justice who have experience of conducting particular comparative studies and an interest in the general conceptual and methodological issues or regular collaborators with them (Nelken and Colson).</p> <p>Core group of participants</p> <p>David Nelken</p> <p>Stewart Field</p> <p>Renaud Colson</p> <p>Adam Edwards</p> <p>Gordon Hughes</p> <p>Trevor Jones</p> <p>Invitees</p> <p>This is the group from whom we would prioritize and select</p>
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invitees. Almost all of them are already known personally to the core participants. Many of them have already collaborated with members from the core group and we feel confident there would be a high rate of acceptance. We would be looking for around 8 participants from this list depending on available finances.

Rasmus Wandall (Bergen)

Claire Hamilton (Maynooth, Ireland)

Chrisje Brants (Utrecht)

Lesley McCara (Edinburgh)

Jackie Hodgson (Warwick)

Riccardo Montana (City)

John Muncie (Open University)

Jarrett Blaustein (Monash University, Australia)

Tom Ellis (Portsmouth)

John Jackson (Nottingham)

Roger Cotterrell (Queen Mary)

Francis Pakes (Portsmouth)

Dimitrios Giannopolis (Brunel)

Andrea Ryan (Limerick)

Ido Weijers, University of Utrecht

Francis Bailleau, CNRS

Barry Goldson (Liverpool)

Frieder Dunkel, Ernst-Moritz-Arndt-Universität Greifswald, Germany)

	<p>Sum requested</p> <p>£3k for travel, accommodation and food</p> <p>We would look to make supplementary bids to local Cardiff University and School of Law and Politics/SOCSI funds.</p> <p>Workshop 2: Constructing the Transnational: International Institutions and Criminal Justice</p> <p>Theme</p> <p>International institutions are increasingly involved in tackling transnational crime from cybercrime to drug trafficking. The proposed workshop will address legal and socio-political questions relating to the proactive role played by such institutions, including the UN, the Council of Europe and the European Union, in addressing transnational crimes.</p> <p>In particular, this workshop aims to compare the legal and political governance structures of specific international institutions (including criminal-law cooperation agreements adopted under the auspices of international organisations) in order to identify trends and directions and to assess the extent to which the framework of those institutions enables States to address transnational crime effectively. Core issues and questions to be addressed in this workshop include:</p> <ul style="list-style-type: none"> • The theoretical basis underpinning the governance structures and relationships between international organisations aimed at preventing and combatting transnational crime; • To assess the extent to which international institutions are able to address cross-border crime effectively, including whether the methods or approaches adopted by specific international
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institutions (including harmonisation of criminal law and mutual recognition and mutual assistance instruments) have proved to be particularly effective in addressing transnational crime;

- To investigate whether the supranational governance structures of the European Union provide an appropriate forum for interstate cooperation against cross-border crime, or whether other intergovernmental institutional frameworks (such as the Council of Europe and the UN) should play a stronger role;
- To analyse from a socio-legal perspective whether the proliferation of international institutions with overlapping mandates in criminal matters (such as Interpol and Europol) have led to the fragmentation of international law and policies, and whether this level of fragmentation could undermine the effectiveness of those legal and political governance structures;
- To investigate the key challenges facing inter-institutional cooperation and coordination (including between the European Union, the Council of Europe and national authorities), and to assess whether those challenges could be overcome through legal reform;
- To analyse possible scenarios for criminal-law cooperation between the European Union and the United Kingdom post-Brexit, and assess the extent to which those scenarios could lead to desirable/implementable outcomes.

These questions will be addressed through case-studies drawn from the research experience and practice of the participants. The participants would include scholars and

	<p>practitioners with expertise in transnational criminal justice and its political governance. They will be able to offer insights into transnational cooperation in different contexts, ranging from more traditional crimes (such as drugs trafficking and financial crimes) to more modern forms of transnational criminality (including environmental crime and cybercrimes).</p> <p>Format</p> <p>The workshop will be held over one day with invited participants (see list below) who will present and/or discuss papers. It is anticipated that the workshop output will be published either as a special journal issue or an edited book collection. The session will also explore the possibility of building a larger externally funded research project. In addition to the invited participants, the workshop will be open to staff and PGR students in LAWPL and Cardiff University more generally who would like to attend (space permitting).</p> <p>Date</p> <p>Spring/Summer 2017. Potentially from Easter onwards depending on availability of invitees.</p> <p>Sum requested</p> <p>£3k for travel, accommodation and catering costs.</p> <p>Event Core Organisers</p> <p>Dr Claudia Hillebrand</p> <p>Dr Ricardo Pereira</p> <p>Participants (TBC)</p>
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	<p>Professor Estella Baker (De Montford)</p> <p>Professor Renaud Colson (Nantes, France)</p> <p>Dr Helena Farrand-Carrapico (Aston University)</p> <p>Professor Katja Franko (Oslo, Norway)</p> <p>Professor Elspeth Guild (Queen Mary)</p> <p>Professor Valsamis Mitsilegas (Queen Mary)</p> <p>Dr Antoine Megie (Rouen, France)</p> <p>Professor Steve Peers (Essex University)</p> <p>Mr Michael Rauschenbach (Europol, Head of Serious and Organised Crime)</p> <p>Dr Alistair Shepherd (Aberystwyth University)</p> <p>Dr Marianne Wade (Birmingham)</p> <p>Professor Anne Weyembergh (IEE/ULB)</p> <p>Mr Roel Willekens (Europol, EnvCrimeNet)</p> <p><i>In addition to invited and funded core participants, there will be some space for further attendees with an interest in the subject (e.g., non-academic stakeholders from institutions, such as NCA and HMRC).</i></p> <p>Workshop 3: Security, justice and the transnational corporation</p> <p>Theme</p> <p>Even before the relative decline of the public sector in the face of neo-liberal governmentality, the corporation has</p>
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	<p>become the dominant mode through which goods and services are delivered, both domestically and transnationally. Though populist crimes retain their appeal to the media, government and public – in whatever order! - crimes and misconduct by, against and via corporations are a central component of ‘the crime problem’ and usually under media and NGO pressure, as states and international governmental organisations focus increasingly on ‘third party policing’, they have become an important medium of vigilance and of government imposed ‘responsibilisation’, a term which has been more commonly applied to policing the poor than policing elites. An example is the ‘failure to prevent’ principle in the Bribery Act 2010, which applies criminal liability in the UK to acts done globally on behalf of British corporations and their subsidiaries, whose extension to other fields such as fraud is under discussion. What ethical, legal, policing and ‘governmentality’ issues arise from the increasing expectations on national and transnational corporations (and unincorporated bodies such as many law firms) to play socially responsible roles in monitoring, preventing and reporting harms against them and against third parties; what do we know about the socio-economic costs and benefits of these developments; what might be the appropriate balance between criminal law enforcement and other modes of regulation; and what continuities and discontinuities are there in contemporary areas such as corruption, fraud, money laundering, and tax avoidance/ evasion? What if any are the special issues that apply to corporations acting transnationally rather than nationally, and in their relationships with the private rather than just the public sector? These would include risks and opportunities for intervention arising from parallel jurisdiction between countries in the Global North (e.g. the US, England and Wales) and the Global South. Finally, how can we evaluate performance (on a continuum from ‘success’ to ‘failure’) in control attempts in a way that is analytically credible and</p>
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legitimate? This colloquium aims at examining some key features of these phenomena and considering their implications in practice.

Format

Workshop with 12-14 invited participants who would present and discuss papers and produce outputs including refereed electronic publications. The session would also explore the possibility of building a larger externally funded research project, and an expected outcome would be more refined thinking about the continuities and discontinuities between areas of transnational corporate regulation. The sessions would be open to staff and PGR students in SOCSI, LAWPL. Each invited participant would be asked to present one paper and act as a discussant for another.

Date

Tbc, but probably in Spring/Summer 2017, after Easter either before the summer exam period commences in Mid-May or after it finishes in Mid-June. It would take place over 1 and a half days.

Participants

We envisage three kinds of participant.

- Core participants responsible for defining and co-ordinating the workshop, securing publication outputs and leading on grant applications arising out of the workshop.
- Invitees from academia, private sector and NGOs whose participation will be funded and who will be asked to present a paper and act as a discussant; and
- Non-presenting participants, invited to contribute to the workshop as space allows.

	<p>Local Organisers: Mike Levi and Ricardo Pereira</p> <p>Prospective key participants and paper-givers:</p> <p>Alan Doig (Northumbria)</p> <p>Bill Gilmore (Edinburgh)</p> <p>David Artingstall/Ines de Oliveira (RUSI)</p> <p>Janet Dine (QMUL)</p> <p>Jason Sharman (Cambridge, ex-Griffith)</p> <p>Jeffrey Owens (Vienna, ex-OECD Tax)</p> <p>Jim Dillon (Deloitte)</p> <p>John Howell (JH Dragon Network)</p> <p>Jona Razzaque (UWE Bristol)</p> <p>Justice Tankebe (Cambridge)</p> <p>Liz Campbell (Durham)</p> <p>Monty Raphael QC, Peters & Peters</p> <p>Nicholas Lord (Manchester)</p> <p>Peter Alldridge (QMUL)</p> <p>Peter Reuter (Maryland)</p> <p>Rick McDonell (Vienna, former exec secretary FATF)</p> <p>Sue Hawley (Corruption Watch)</p> <p>Tax Justice Network UK representative (e.g. Alex Cobham)</p> <p>Terry Halliday (ABA/Northwestern)</p> <p>Budget</p> <p>£3k for travel, accommodation and catering</p>
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Workshop 4: Emergent Technologies: The Transnational Challenge to Security and Justice

Theme

The workshop will examine the current and prospective impact of emergent technologies on the organisation and prevention of key security threats and on legal process and practice.

Specifically, the workshop will explore the prospective impact of emergent technologies such as the mobile internet (smart phones and social networking services), the automation of knowledge work (machine learning and processing of 'big data' sets), the rise of autonomous vehicles (including drones for surveillance and counter-surveillance), advanced robotics (replacing or augmenting human action) and networked additive manufacture (such as unregulated 3-D printing). These technologies, arising primarily out of the rapid pace of innovation in digital communications, have been described by commentators on other areas of social and economic life as profoundly 'disruptive' of established routines and licit markets (McKinsey Global Institute, 2013; Housley, 2015).

There is reason to believe these emergent technologies are also likely to disrupt the routine interactions of perpetrators and preventers of key security threats, for example, organised criminality. Recent research has, for example, explored the use authorities can make of digitalised administrative data as well as the harvesting of 'user generated' social media communications for indicating civil unrest, sensing crime patterns and informing crisis management (Beneito-Montagut et al, 2013; Edwards, Housley and Williams et al, 2013; Perry et al, 2013; Procter et al, 2013; Williams et al, 2013; Housley et al, 2014). However, it is plausible that, as with previous technological innovations in policing organised crime, criminal enterprises

with adequate financial resources and contacts can reverse the uses of such technology, in this instance aided by innovations in machine learning and artificial intelligence, to monitor, anticipate and thus circumvent the preventive strategies of public authorities and commercial security. Similar 'arms races' can be plausibly imagined for the uses of 3-D printing in the unregulated production of firearms, ammunition, ordnance and other facilitators of organised criminality as well as the uses of drone technology for counter-surveillance or advanced robotics for commissioning crimes and insulating humans from prosecution. Such plausible 'thought experiments' acknowledge the 'reflexive turn' in policing and security studies (Vander Beken and Verfaillie, 2010; van Duyne and Vander Beken, 2009) which encourages policy-oriented learning to adopt a more strategic approach in 'scanning' the horizon for emergent threats, building scenarios about the likely frequency and severity of their harmful impact (Greenfield and Paoli, 2010; RUSI, 2013, 2014) and anticipating the possible, unintended, consequences of different preventive responses (Edwards and Gill, 2002a,b; Edwards, 2016).

The workshop will also provide an opportunity to discuss the impact of emergent technologies on legal process and practice. For example the rules on the admissibility of evidence generated by these new technologies, for example footage from surveillance drones and social media communications. The prospective impact of these technologies also provokes questions about criminal liability and responsibility, for example mundane issues such as the involvement of unmanned vehicles in road traffic accidents and more exceptional cases, such as the use of artificial intelligence in on-line fraud and financial crimes.

Format

Workshop held over two days with 12-14 invited participants who would present and discuss papers with a view to

	<p>developing a special journal issue (or edited collection). The session would also explore the possibility of building a larger externally funded research project. The sessions would be open to staff and PGR students in SOCSI, LAWPL and Cardiff</p> <p>University more generally would like to attend (space permitting) but each invited participant would be asked to present one paper and act as a discussant for another.</p> <p>Date</p> <p>In Spring/Summer 2017, after Easter either before the summer exam period commences in Mid-May or after it finishes in Mid-June and on a Friday and Saturday to maximise the potential participation of legal practitioners.</p> <p>Place/Venue</p> <p>Cardiff.</p> <p>Participants</p> <p>We envisage three kinds of participant.</p> <ul style="list-style-type: none"> • Core participants responsible for defining and co-ordinating the workshop, securing publication outputs and leading on grant applications arising out of the workshop. • Invitees whose participation will be funded and who will be asked to present a paper and act as a discussant; and • Non-presenting participants, invited to contribute to the workshop as space allows. <p>Core Group of Participants</p> <p>Adam Edwards (Cardiff University, SOCSI)</p> <p>Nicola Harris (Cardiff University, LAWPL)</p>
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	<p>William Housley (Cardiff University, SOCSI)</p> <p>Marina Jirotko (Oxford University, Computer Science)</p> <p>Robert Procter (Warwick University, Computer Science)</p> <p>Invitees</p> <p>Noel Sharkey (Sheffield University)</p> <p>HHJ Tom Crowther QC</p> <p>Nicholas Dorn (Institute of Advanced Legal Studies, London)</p> <p>Paul Ekblom (University College London)</p> <p>Martin Innes (Cardiff University, Crime and Security Institute)</p> <p>Michael McGuire (Surrey University)</p> <p>Sir David Omand (Kings College London)</p> <p>Elen Stokes (Birmingham University)</p> <p>David Wall (Leeds University)</p> <p>Michael Corialandis (PhD student, Cardiff University, SOCSI)</p> <p>Sum requested</p> <p>£3K</p> <p> </p> <p>Societal Constitutions in Transnational Regimes (J. Priban coordinator, overall cost: 7,000GBP)</p> <p> </p> <p>International conference to be organised by the Centre of Law and Society at Cardiff University 30 June/1 July 2017</p>
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Outline:

The concept of societal constitutionalism has introduced important methodological modifications in constitutional theory and has produced several studies of non-state constitutionalism in the last decade. First, it extends the concept of constitution beyond its classical juridical meaning. Second, it disconnects the constitution from statehood and thus opens the possibility to study the constitutionalisation of different transnational regimes from global finances to environment. Third, it decouples constitutions from institutional politics and thus looks for new modes of political action and subjects beyond their typically modern conceptualisation in popular sovereignty, nationhood etc. Finally, it decouples the constitution from the medium of power and thus makes other media of communication in other specific systems possible targets of constitutionalisation.

The constitutionalisation of transnational regimes produces secondary rules on rules present in specific societal orders. This 'meta-encryption' prevails over the legal/illegal difference and creates different intra-systemic (intra-law, intra-politics, intra-economy, intra-science etc.) operations. The constitution as a 'binding institution' mutates into a form of legal, political, economic, scientific etc. communication, thus passing from the unity of law to a multitude of communication fragments.

Nevertheless, for Gunther Teubner and others, the political element continues to be of high relevance for regime constitutionalisation – something illustrated by his distinction between *la politique* and *le politique*. The political system of *la politique* cannot establish the constitution for other social domains, yet these domains are subject to their internal politicization. Transnational regimes are subsequently

capable of self-imposing responsibilities beyond common political hierarchies and institutions of state constitutions. Self-restricting constitutions of transnational regimes create regulatory conditions for their internal politicisation of *le politique*. Constitutions thus work as catalysers for reflexive internal and external references of specific transnational regimes.

This conference, therefore, focuses on transnational regimes and their societal constitutionalisation from different perspectives of legal, social and political science. It allows lawyers to discuss specific normative legal issues of specific transnational regimes beyond conceptual constraints of traditional constitutional law theories. At the same time, it allows social scientists to present general theoretical insights as well as empirical inquiries into specific transnational regimes and political scientists to critically reflect on global and transnational changes and their impact on political institutions and operations within the political system of *la politique*.

While the controversies on societal constitutionalism in the last years have focussed mainly on the development of the theory in general there is now a need for detailed studies of specific constitutional problems in particular regimes to which the conference is supposed to respond. The participants are therefore expected to discuss their more general ideas on constitutionalization while at the same time analysing in detail a concrete transnational regime.

The conference organizers plan to invite both junior and senior legal and political scholars and sociologists engaging in recent research in societal constitutions and transnational regimes to present their views and have them critically discussed by the other participants. Individual presentations are expected to cover a wide range of themes and problems, such as transnational economic, finance and welfare regimes, international public and private law, human rights,

law and development, electronic democracy, internet and protest movements, transitional justice, judicial and political constitutionalism, corporate governance, labour law and administrative law.

Publication of conference papers:

The conference's aim is to produce a special issue of the Journal of Law and Society to be published in 2018. All participants, therefore, will be required to produce a written conference presentation for the conference. After the conference, the participants will be invited to elaborate their paper critically reflecting on the conference discussions. They will be asked to submit the final versions of their papers two months after the conference. The organizers reserve the right to decide on the publication of individual papers.

Participants:

Augsberg, Ino (University of Kiel) – canon law as a transnational regime

Blokker, Paul (Charles University, Prague) – political movements

De Munck, Jean (Catholic University, Leuven) – labour and social law

Duval, Antoine (ASSER Institute, The Hague) – sport Yes

Kastner, Fatima (Bielefeld University) – transitional justice

Kjaer, Poul – (University of Copenhagen) – global economic governance Yes

Klabbers, Jan (University of Helsinki) – international public

	<p>law</p> <p>Krajewska, Atina (Sheffield University) – global health law</p> <p>Muir Watt, Horatia (Sciences Po, Paris) – international private law [tbc]</p> <p>Perez, Oren (Bar Ilan University, Israel) – transnational governance</p> <p>Pinelli, Cesare ('La Sapienza' University of Rome) – constitutionalisation of financial markets</p> <p>Priban, Jiri (Cardiff University) – political constitutionalism</p> <p>Teubner, Gunther (Goethe University, Frankfurt) – societal constitutions in transnational regimes</p> <p>Thornhill, Chris (University of Manchester) – judicial constitutionalism</p> <p>Verschraegen, Gert (University of Antwerp) – constitutionalisationd</p> <p>Public lectures</p> <p>There are two public lecture events this academic year:</p> <p>The first one is Prof. David Nelken's public lecture on Legitimacy of Social Indicators, to be held on 8th November 2016 and accompanied by a workshop for PhD students on law and culture methodology.</p> <p>(cost 800GBP)</p> <p>The second proposal involves three speakers – Claus Offe (Hertie), Jacques Rupnik (SciencesPo) and Jan Zielonka (Oxford) and will be co-organised with CELAG:</p>
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(1,600GBP)

Title: 'Devaluation of European Values After Brexit'

Focusing on the following topics:

- the tension between economic governance/expertise and political legitimation/democracy;
- re-emergence of the centre-periphery tension in the economic system of the EU and its impact on the crisis of political legitimacy at Member State and EU level
- the rise of populism as response to the crisis of EU governance
- Brexit - local resistance, or global promises?
- Inside EU, outside EU - the politics of EU borders and external relations policy-making
- from politics of European values to the devaluation of Europe
- current fragmentations as new forms of the EU's constitutionalisation

Research methodology themes and events

***The Second Residential Masterclass for ESRC students
(Gregynog, mid-May 2017)***

The CLS position has been clear – financial and organizational support will be accompanied by active academic contribution to the masterclass.

Since our last meeting, Linda Mulcahy contacted Prof. David James, Director of ESRC Wales Doctoral Training Centre

	<p>who promised ‘a little administrative support’ while thinking that ‘this is a terrific idea, and I am very happy for the Wales DTC/P to be involved. A little administrative support should be possible, though I will have to discuss how much and the form that might take with my colleague Carole Baker (DTC manager), given the volume of new demands. I am fairly sure we would be able to support with a small amount of money too, especially if the journal features prominently. We have an internal small grant scheme for promoting collaboration which may be appropriate.’</p> <p>As regards the Gregynog costs, they should not exceed 2,000GBP</p>
<p>Please detail how the Centre intends to spend its 2016-17 budget:</p>	<p>See above</p>
<p>List of current Research Centre Members:</p>	<p>The CLS Committee Members:</p> <p>J. Priban (Director)</p> <p>S. Field</p> <p>L. Hayes</p> <p>A. Manji</p> <p>R. Russell</p>

	Plus 21 other academics – their list should be available on the website (which is a persistent and now critical problem of the CLS's administration)
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